REMARKS

The Specification has been amended. Claims 1 and 4 have been amended, and Claims 24 - 25 have been added. No new matter has been introduced with these amendments or added claims, all of which are supported in the specification as originally filed. Claims 2, 5, and 8 - 23 are cancelled from further consideration in this application. Applicants are not conceding in this application that those claims are not patentable over the art cited by the Examiner, as the present claim amendments and cancellations are directed toward facilitating expeditious prosecution of the application and allowance of all remaining claims at an early date. Applicants respectfully reserve the right to pursue the now-cancelled claims and other claims in one or more continuations and/or divisional patent applications. Claims 1, 3 - 4, 6 - 7, and 24 - 25 are now in the application.

I.   Claim Objections

Paragraph 3 of the Office Action dated March 8, 2007 (hereinafter, "the Office Action") states that Claims 1, 20 - 21, and 23 are objected to because of informalities. In particular, use of the word "for" is deemed problematic as describing only intended use and therefore not carrying patentable weight. Claims 20 - 21 and 23 have been cancelled from the application without prejudice, and the objections are therefore moot as to those claims.

With regard to Claim 1, the "for querying" term has been amended to "[usable] to query", as suggested by the Examiner in the Office Action, and the claim language as currently

presented recites:

"using at least one of the programmatically-determined content types to consult a lookup component to obtain at least two query parameter names usable to query the content source;" (Claim 1, lines 15 - 17, emphasis added).

Applicants respectfully submit that the "using" claim element, in which the "usable to query" language is specified, further recites additional terms that carry patentable weight for this claim element. For example, Applicants respectfully submit that the "using ...", "to consult ...", and "to obtain ..." terms all carry patentable weight.

Accordingly, Applicants respectfully request that the Examiner withdraw this objection.

II.   Rejection under 35 U. S. C. §101

Paragraph 5 of the Office Action states that Claim 21 is rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Applicants have cancelled Claim 21, rendering this rejection moot.

III.   Rejection under 35 U. S. C. §112, second paragraph

Paragraph 7 of the Office Action states that Claim 8 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite. In particular, the term "comparator" is deemed problematic. Claim 8 has been cancelled from the application without prejudice, rendering this

rejection moot.

IV.   Rejection under 35 U. S. C. §102(e)

Paragraph 9 of the Office Action states that Claims 1, 3 - 4, 6 - 18, and 20 - 23 are

rejected under 35 U.S.C. §102(e) as being anticipated by U. S. Patent 6,751,611 B2 to Krupin

et al. (hereinafter, "Krupin"). Claims 8 - 18 and 20 - 23 have been cancelled from the

application without prejudice, rendering the rejection moot as to those claims. This rejection is

respectfully traversed with regard to the remaining claims.

Applicants respectfully submit that independent Claim 1 is patentably distinct from

Krupin, as will now be demonstrated.

As the Federal Circuit stated in *W.L. Gore & Associates v. Garlock, Inc.*, 220 USPQ

303, 313 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984), "Anticipation requires the

disclosure in a single prior art reference of *each element* of the claim under consideration."

(emphasis added). A finding of anticipation further requires that there must be no difference

between the claimed invention and the disclosure of the cited reference as viewed by one of

ordinary skill in the art. See *Scripps Clinic & Research Foundation v. Genentech Inc.*, 927

F.2d 1565, 1576, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991). In particular, the Court of

Appeals for the Federal Circuit held that a finding of anticipation requires absolute identity for

each and every element set forth in the claimed invention. See *Trintec Indus. v. Top-U.S.A.*

Corp., 63 U.S.P.Q.2d 1597 (Fed. Cir. 2002).

Applicants' independent Claim 1, as currently presented, specifies limitations of:

A computer-implemented method of programmatically building queries, comprising steps of:
programmatically building a query user interface to query a content source, wherein the query user interface comprises a plurality of query parameters, each query parameter comprising a unique query parameter name, a query qualifier, and a query parameter value, further comprising:
dynamically identifying the content source to be queried;
programmatically determining a plurality of content values specified in the dynamically-identified content source;
programmatically determining, based on the specified content values, a plurality of content types corresponding thereto;
using at least one of the programmatically-determined content types to consult a lookup component to obtain at least two query parameter names usable for querying the content source;
programmatically identifying, for each of the obtained query parameter names, at least one query qualifier corresponding thereto, each query qualifier usable in determining a match when comparing selected ones of the content values to that query parameter name;
programmatically identifying, for at least one of the obtained query parameter names, at least one value usable therewith as a query parameter value;
programmatically building the plurality of query parameters by associating, with each of the obtained query parameter names, the programmatically-identified at least one query qualifier corresponding thereto and the programmatically-identified at least one value usable therewith as a query parameter value, if any; and
displaying on the query user interface, for each of the programmatically-built query parameters, the obtained query parameter name, a first selector usable for selecting one of the at least one query qualifiers corresponding thereto, and a second selector usable for selecting at least one of the at least one values usable therewith, if any, or for providing at least one user-entered value usable therewith; and
enabling a user to build a query command to query the content source by using, for each of at least one of the displayed query parameter names, the first selector to select one of the associated query qualifiers and using the second selector to select at least one of: (1) at least one of the associated

values, if any, or (2) at least one user-entered value. (emphasis added)

Applicants find no teaching in Krupin of (at least) the above-underlined limitations from lines 18 - 20 of Claim 1. With regard to the above-underlined

> programmatically identifying, for each of the obtained query parameter names, at least one query qualifier corresponding thereto, each query qualifier usable in determining a match when comparing selected ones of the content values to that query parameter name (emphasis added)

element of Claim 1, Applicant respectfully submits that Krupin's disclosed technique provides no query qualifiers. Furthermore, Krupin's disclosed technique provides no query parameter names (in contrast to lines 15 - 17 of Applicants' Claim 1).

Instead, Krupin allows the user to select only parameter values. See, for example, col. 8, lines 22 - 25, discussing selecting of a "query word" or sequence thereof to create a "search string query", and col. 8, line 63, which specifies a "Six Word Search String" as follows:

Grants Theatre Online Application -.com

By contrast, Applicants' Claim 1 recites "a plurality of query parameters" (Claim 1, line 4) and further specifies that "each query parameter compris[es] a unique query parameter name, a query qualifier, and a query parameter value" (Claim 1, lines 4 - 5, emphasis added).

With reference to the example content source shown in Applicants' **Fig. 1**, for example, Applicants' claimed approach enables determining whether this content source includes "Nurse" appearing as a "Job Title", whereas Krupin's technique only determines that "Nurse" appears somewhere in the content (and in fact, "Nurse" appears as a Job Title and

also as part of a "Description").

Accordingly, Applicants respectfully submit that Krupin does not teach <u>each element</u> of Claim 1, with <u>absolute identity</u> for each and every element, and thus, according to the above-discussed holdings in ***W.L. Gore & Associates*** and ***Trintec Indus.***, Claim 1 is not anticipated by Krupin. Furthermore, because there are <u>a number of differences</u> between Applicants' claimed invention and Krupin's disclosure, some of which were discussed above, Applicants respectfully submit that Claim 1 is <u>not anticipated</u> by Krupin according to the above-discussed holding in ***Scripps Clinic***. Claims 24 and 25 specify limitations analogous to those of Claim 1, and Applicants therefore respectfully submit that Claims 24 and 25 are also <u>not anticipated</u> by Krupin.

Dependent Claims 3 - 4 and 6 - 7 are deemed patentable by virtue of (at least) the patentability of independent Claim 1, from which they depend. The Examiner is therefore respectfully requested to withdraw the §102 rejection of all claims as currently presented.

V.   <u>Conclusion</u>

Applicants respectfully request reconsideration of the pending rejected claims, withdrawal of all presently outstanding objections and rejections, and allowance of all remaining claims at an early date.

Respectfully submitted,

/Marcia L. Doubet/   /#40,999/

Marcia L. Doubet
Attorney for Applicants
Reg. No. 40,999

Customer Number for Correspondence: 43168
Phone: 407-343-7586
Fax: 407-343-7587